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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,766	05/23/2001	Davide Mandato	450117-03308	4282
20999	7590	03/07/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PHILLIPS, HASSAN A	
			ART UNIT	PAPER NUMBER

2151

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,766

Applicant(s)

MANDATO, DAVIDE

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to amendments filed on January 13, 2005.

Specification

2. After consideration of the amendments made to the abstract of the disclosure, correcting minor errors, the Examiner has withdrawn the objection to the abstract.

3. After consideration of the Applicants remarks, and the amendments made to Fig. 3 to correct a minor spelling error, the Examiner has withdrawn the objection to the disclosure for misspelling the word "booker".

Claim Objections

4. The Examiner has withdrawn all objections to claims 2-20 and 22-40 since the Applicant canceled the claims.

Claim Rejections - 35 USC § 112

5. The Examiner has withdrawn the rejection to claims 1 and 21 under 35 USC 112 first paragraph, since the Applicant canceled the claims.

Response to Arguments

6. Applicant's arguments filed January 13, 2005 have been fully considered but they are not persuasive. Applicant argued that: the prior art fails to teach monitoring and controlling resources of the mobile device itself in order to guarantee Quality of Services.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that these features upon which applicant relies are not explicitly recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the Examiner has interpreted the claim language as broadly as possible. It is also the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in a manner that distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterated the need for Applicant to define the claimed invention more clearly and distinctly. Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. Applicant is requested to review the prior art of record for further consideration.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 41-76, are rejected under 35 U.S.C. 102(e) as being anticipated by Arunachalam et al. (hereinafter Arunachalam), U.S. Patent 6,631,122.

9. In considering claims 41 and 59 Arunachalam teaches a processing system and a computer readable storage medium for a wireless mobile device comprising: a component coordinator unit for providing application with a generic platform and network-independent framework that uses a platform and network-neutral set of application adaptation mechanisms, including a QOS negotiation and re-negotiation protocol, (col. 2, lines 43-67, and col. 3, lines 1-6); and a QOS broker unit being managed by the component coordinator unit and coordinating local and remote resource management by using said negotiation and re-negotiation protocol, (col. 7, lines 13-28). Also see Fig.'s 2 and 3.

10. In considering claims 42 and 60, Arunachalam teaches the protocol using piggyback mechanisms for QoS negotiating and re-negotiating. See col. 5, lines 36-53.

11. In considering claims 43 and 61, Arunachalam teaches the generic framework addressing different types of applications including existing applications and applications that rely on middleware. See col. 4, lines 16-33.

12. In considering claims 44 and 62, Arunachalam teaches the generic framework based on an application model in which each application is allocated to one of a set of application classes having different QoS level with respect to resource usage. See col. 2, lines 43-67, and col. 3, lines 1-6.

13. In considering claims 45 and 63, it is inherent in the teachings of Arunachalam that fallback mechanisms are provided for a backward-compatibility between the application classes. See col. 4, lines 16-33.

14. In considering claims 46 and 64, Arunachalam teaches the framework based on a communication model with different functional communication levels for exploiting the various resources in a coordinated manner so as to achieve the desired overall QoS level. See col. 12, lines 59-67, and col. 13, lines 1-10.

15. In considering claims 47 and 65, Arunachalam teaches the communication levels including an application, a session, an association, and a stream level. See col. 12, lines 59-67, and col. 13, lines 1-10.

16. In considering claims 48 and 66, Arunachalam teaches the QoS broker unit coordinating an external network resource booker unit which manages network resource reservation mechanisms in a implementation independent way. See col. 4, lines 16-59.

17. In considering claims 49 and 67, Arunachalam teaches a session manager unit being coordinated by the QoS broker unit for establishing and managing sessions in an independent way. See col. 4, lines 16-59.

18. In considering claims 50 and 68, Arunachalam teaches one or more chain coordinator units being managed by the QoS broker unit through the session manager unit and managing one or more component chains, each chain being associated with a stream. See col. 4, lines 16-59.

19. In considering claims 51 and 69, Arunachalam teaches one or more CPU-manager units coordinated by the chain coordinator units for managing CPU-resource usage. See col. 4, lines 16-59.

20. In considering claims 52 and 70, Arunachalam teaches a CPU-resource controller unit providing the CPU-manager unit with platform-independent resource status information retrieval and control. See col. 4, lines 16-59.

21. In considering claims 53 and 71, Arunachalam teaches one or more memory manager units, coordinated by the chain coordinator units for managing memory resource usage. See col. 4, lines 16-59.

22. In considering claims 54 and 72, Arunachalam teaches a memory controlling unit for providing the memory manager units with platform-independent resource status information retrieval and control. See col. 4, lines 16-59.

23. In considering claims 55 and 73, Arunachalam teaches one or more network protocol manager units coordinated by the chain coordinator units for managing network protocol resource usage. See col. 4, lines 16-59.

24. In considering claims 56 and 74, Arunachalam teaches a network protocol controller unit for providing the network protocol manager units with resource status information retrieval and control. See col. 4, lines 16-59.

25. In considering claims 57 and 75, Arunachalam teaches one or more multimedia components coordinated by coordinator units for managing multimedia resources. See col. 4, lines 16-59.

26. In considering claims 58 and 76, Arunachalam teaches a multimedia controller providing the multimedia component units with platform-independent resource status information retrieval and control. See col. 4, lines 16-59.

Conclusion

27. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huang et al., U.S. Patent 6,766,365 discloses a system for global resource management.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/
3/4/05


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER